

Wisconsin State Legislature

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Joint Committee on Finance *100TH ANNIVERSARY 1911 - 2011*

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative Robin Vos

Date: September 19, 2011

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received September 19, 2011, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Dane County District Attorney's Office.

Please review the material and notify **Senator Darling** or **Representative Vos** no later than **Thursday, October 6, 2011**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:RV:jm



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER

GOVERNOR

MIKE HUEBSCH

SECRETARY

Office of the Secretary

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Voice (608) 266-1741

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Date: September 19, 2011

To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance

The Honorable Robin Vos, Co-Chair
Joint Committee on Finance

From: Mike Huebsch, Secretary MD
Department of Administration

Subject: s. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2011-12</u> <u>AMOUNT</u>	<u>FTE</u>	<u>2012-13</u> <u>AMOUNT</u>	<u>FTE</u>
DAs 20.475(1)(h)	Gifts and grants	\$0	1.00 ¹	\$0	1.00 ¹

¹Extend project position with authority from 10/1/2011 to 9/30/2012.

As provided in s. 16.515, the request(s) will be approved on October 10, 2011, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Carol Lynch at 266-3330, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: September 13, 2011
To: Brian Hayes
From: Katie Kisiolek, Executive Budget and Policy Analyst
Subject: Section 16.515/16.505(2) Request(s)

Attached is a s. 16.515/505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2011-12</u>	<u>2012-13</u>		
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
District	Gifts and grants		1.0*		1.0*
Attorneys					
20.475(1)(h)					

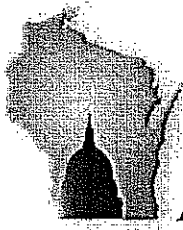
* Project position ending 09/30/12.

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2011-12</u>	<u>2012-13</u>		
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
District	Gifts and grants		1.0*		1.0*
Attorneys					
20.475(1)(h)					

* Project position ending 09/30/12.

BKH APPROVAL BKH (FORWARD TO CAROL LYNCH)



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
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Division of Executive Budget and Finance
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Date: September 14, 2011

To: Mike Huebsch, Secretary
Department of Administration

From: Katie Kisiolek, Executive Budget and Policy Analyst

Subject: Request under s. 16.505 from the Dane County District Attorney to Extend
a 1.0 FTE Program Revenue Project Prosecutor Position

REQUEST:

The Department of Administration, on behalf of the Dane County District Attorney's office, requests the extension of 1.0 FTE PR assistant district attorney project position. Position authority is requested through September 30, 2012.

REVENUE SOURCES FOR APPROPRIATION(S):

The revenue source for the appropriation under s. 20.475(1)(h) *Gifts and grants* is a grant from the Wisconsin Department of Transportation to the Dane County Sheriff's Office, with funding included to cover the costs of the position. As the grant is funded from a program revenue continuing appropriation, there is no accompanying request for an increase in expenditure authority.

BACKGROUND:

Before the creation of this position in March 2010, there was no consistent, coordinated and comprehensive response to all serious injury and fatal traffic crashes in Dane County. The Dane County Critical Traffic Collaboration group, consisting of members from the Dane County Sheriff's Office, Madison Police Department, Wisconsin State Patrol, Victim Services, District Attorney's Office and Dane County Coroner met for two years to determine why the lack of coordination existed. The group determined a primary factor hampering coordination was the lack of a dedicated, specialized prosecutor responsible for review, consultation and prosecution of all fatal and serious injury vehicle crashes in the county.

Due to the lack of specialization on serious crashes in the District Attorney's Office prior to this position, law enforcement had to seek out whichever assistant or deputy district attorney was available, regardless of the prosecutor's working knowledge of traffic cases. This knowledge is needed because in vehicular crash cases evidence is often difficult to collect, evaluate and effectively present in court. Prosecutors have

found that proof required for conviction is often greater and more complex than for stabbing or shooting cases. Without a dedicated prosecutor, there was no uniform protocol or practice governing these crash cases, leading to inconsistent outcomes that were influenced by arbitrary factors such as time of day, location of crash, the investigating agency and prosecutor assigned to the case. The lack of consistency affected the county's ability to successfully prosecute crash cases.

ANALYSIS:

The Critical Traffic Investigation and Prosecution Collaboration grant provided funding for an assigned prosecutor responsible for providing direction and ensuring that a consistent, complete and quality investigation is conducted in each applicable traffic case. The assistant district attorney assumes an advisory role in the immediate aftermath of a traffic crash involving impaired/reckless/negligent driving injury or death or any other impaired driving offense. The duties of the assistant district attorney include: immediate and active involvement in the investigation of critical traffic cases; consultation and collaboration in the design of investigative strategies and evidence gathering tools; filing of charges and prosecution of cases to completion at the trial court level; and leading a multidisciplinary team in the development of a model protocol and standard practices for all critical traffic team members. These efforts result in the creation of a state of the art multidisciplinary training curriculum for law enforcement personnel.

The project includes several objectives, including developing a consistent, predictable and comprehensive protocol that decreases the length of time between a crash and referral to the District Attorney's Office for criminal charges, length of time between referral and charging, and total length of time between the crash and disposition of the case. Additional objectives include ensuring all fatal and serious injury vehicular crimes are more effectively and aggressively investigated and prosecuted in Dane County, and ensuring immediate trauma services to victims, their families and witnesses as provided by the Crime Response Program of the District Attorney's Office.

The assistant district attorney position funded by this grant has closed 339 cases since May 1, 2010. As of September 2011, there are eight open vehicular homicide cases. A press release from the Dane County Sheriff's Office on October 7, 2010, noted the importance of this assigned prosecutor in the context of a triple fatality crash investigation.

The assistant district attorney position was funded by a grant from the Wisconsin Department of Transportation to the Dane County Sheriff's Office. Although the initial award was for one year, the District Attorney's Office received two one-year grants. The original grant period for the first year was October 1, 2009 through September 30, 2010, but the application was delayed and the grant amount prorated to account for the shorter period of time. There was approximately \$64,667 available for the prosecutor position from approval of the position through September 30, 2010,

Mike Huebsch, Secretary
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and \$97,000 available for the second year of the grant, or October 1, 2010 through September 30, 2011. Then, the District Attorney's Office was informed via E-mail on September 13, 2011, that the Department of Transportation intends to fund the program at \$150,000 for October 1, 2011 through September 30, 2012. The District Attorney's Office has stated that approximately \$90,000 would be used for salary and fringe benefit costs of this position, with the remainder for training, contractual services, equipment, and materials and supplies.

RECOMMENDATION:

Approve the request. There is sufficient funding to support a prosecutor for the requested period of time to provide a dedicated position focused solely on serious injury and fatal traffic crashes in Dane County.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: September 12, 2011

TO: Brian Hayes, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, Director
State Prosecutors Office



SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: DANE
DISTRICT ATTORNEY'S OFFICE**

On behalf of the Dane County District Attorney's Office, I am submitting the attached request to extend position authorization of a 1.0 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

cc: Martha Kerner

DEPARTMENT OF ADMINISTRATION REQUEST UNDER S. 16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration (DOA) requests, under s.16.505, extension of project position authorization of 1.0 FTE program revenue (PR) assistant district attorney (ADA) project position for the Dane County District Attorney's (DA) Office. The position would be funded via appropriation 20.475(1)(h). On March 29, 2010, the position was approved by the Joint Committee on Finance (JCF) with position authority through September 30, 2011. The Department of Transportation (DOT) has indicated that it plans to approve grant funding for this ADA position through September 30, 2012. The extension of position authority is requested through September 30, 2012.

II. BACKGROUND

As the result of an application for a Critical Traffic Investigation & Prosecution Collaboration grant through the Wisconsin DOT, the Dane County Sheriff's Office was awarded funds to implement a coordinated and comprehensive response to all serious injury and fatal crashes in Dane County. A primary focus of the collaboration among parties investigating and prosecuting vehicular crashes is to ensure there is a dedicated, specialized prosecutor who will be responsible for providing direction and ensuring that there will be a consistent, complete, and quality investigation in each case.

Historically, the majority of Dane County crashes that resulted in serious injury and/or death were investigated by a team from law enforcement, victim services, the Dane County District Attorney's Office, and the Coroner's Office; however, there had been a lack of consistency in such investigations and the possibility of prosecution because there had not been a dedicated, specialized prosecutor who was responsible for review, consultation, and prosecution of the fatal and serious injury vehicular crashes in the county. Since an ADA has been dedicated to this role, she has closed 215 cases since October 1, 2010, and 339 cases since May 1, 2010, which is when the current incumbent began working on this grant. Currently, the ADA has eight vehicular homicide cases open as of September, 2011.

The initial grant to the Dane County Sheriff's Office included funding for an ADA to be designated as the prosecutor whose assigned function would be limited to cases involving impaired/reckless/negligent driving injury or death or any other impaired driving offense. The ADA has been the primary resource in these cases and whenever possible has consulted with other partners in the collaboration. Initial funding of \$141,500 was secured through September 30, 2011. DOT has stated it

will provide funding of \$150,000 from October 1, 2011, through September 30, 2012. Of this amount, approximately \$90,000 is intended for salary and fringe benefit costs of the ADA. The remaining funding will be applied to training, contractual services, equipment, and materials and supplies.

III. ANALYSIS

This position is in furtherance of the State's policy to fight crime by prosecuting those who cause serious injury and/or death in vehicular accidents due to reckless conduct that could be the result of alcohol, drugs, or other reasons for negligent driving.

IV. FISCAL ANALYSIS

As mentioned above, the funding provided by the Department of Transportation grant is projected to last until September 30, 2012. The program revenue appropriation is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The source of the grant funds is the Wisconsin Department of Transportation. The grantee is the Dane County Sheriff's Office, with specific funding allocated for the salary and fringe benefit costs of an ADA. Dane County will reimburse the salary and fringe benefit costs for the State-paid ADA position in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the District Attorney program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the LAB methodology's results using the modifications recommended by the Wisconsin District Attorneys Association and highlights that there would be no impact on the Dane DA Office since the position authority already was granted in March, 2010. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need responding to all duties of a DA office and is not specific to a particular type of criminal activity or caseload.

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- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Data with which to make this assessment are not available.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

Other counties had the opportunity to apply for the funds to the extent permitted by law.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

These funds may not be used to address types of caseloads not specifically authorized by the grant.

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Table 1: DA Office Caseload Analysis, December 22, 2010

DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved		DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	1.12	1.12		Marathon	11.00	1.72	1.72
Ashland	1.75	0.53	0.53		Marinette	2.50	0.10	0.10
Barron	3.00	1.40	1.40		Marquette	1.25	0.55	0.55
Bayfield	1.00	0.49	0.49		Milwaukee	128.50	-11.35	-11.35
Brown	12.20	6.49	6.49		Monroe	3.00	3.19	3.19
Buffalo	1.00	0.02	0.02		Oconto	1.50	0.85	0.85
Burnett	1.25	0.88	0.88		Oneida	2.65	0.57	0.57
Calumet	2.00	0.37	0.37		Outagamie	11.90	3.48	3.48
Chippewa	5.00	0.97	0.97		Ozaukee	3.00	1.20	1.20
Clark	2.00	0.30	0.30		Pepin	0.80	-0.25	-0.25
Columbia	4.50	2.14	2.14		Pierce	2.50	-0.27	-0.27
Crawford	1.00	-0.30	-0.30		Polk	3.25	0.79	0.79
Dane	31.10	6.23	6.23		Portage	4.00	1.98	1.98
Dodge	4.00	2.27	2.27		Price	1.00	0.25	0.25
Door	2.00	0.31	0.31		Racine	18.00	7.96	7.96
Douglas	3.50	0.98	0.98		Richland	1.80	0.12	0.12
Dunn	3.00	1.31	1.31		Rock	14.00	5.02	5.02
Eau Claire	8.00	4.29	4.29		Rusk	1.50	-0.18	-0.18
Florence	0.50	0.12	0.12		Saint Croix	6.95	0.16	0.16
Fond du Lac	7.40	1.96	1.96		Sauk	4.50	2.08	2.08
Forest	1.00	0.59	0.59		Sawyer	2.00	1.12	1.12
Grant	2.00	1.51	1.51		Shaw/Men	3.00	1.79	1.79
Green	2.00	0.93	0.93		Sheboygan	7.50	5.11	5.11
Green Lake	1.75	0.37	0.37		Taylor	1.00	0.14	0.14
Iowa	1.75	0.66	0.66		Trempealeau	2.00	0.33	0.33
Iron	1.00	-0.18	-0.18		Vernon	2.00	-0.68	-0.68
Jackson	2.00	0.62	0.62		Vilas	2.00	0.53	0.53
Jefferson	5.30	2.77	2.77		Walworth	5.00	2.32	2.32
Juneau	2.50	0.92	0.92		Washburn	1.25	0.53	0.53
Kenosha	16.00	3.95	3.95		Washington	5.00	2.39	2.39
Kewaunee	1.50	-0.36	-0.36		Waukesha	16.50	4.38	4.38
La Crosse	8.00	2.89	2.89		Waupaca	3.50	0.80	0.80
Lafayette	1.00	0.03	0.03		Waushara	1.75	0.28	0.28
Langlade	1.50	1.83	1.83		Winnebago	10.40	4.91	4.91
Lincoln	2.00	1.44	1.44		Wood	4.00	4.90	4.90
Manitowoc	5.00	1.77	1.77					

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*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) The 1.0 PR ADA FTE for anti-drug cases in St. Croix is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.
- 4) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
 - b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 6) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 7) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 8) The 0.75 PR FTE in Green Lake (0.25 FTE) that also serves Marquette (0.25 FTE) and Waushara (0.25 FTE) is divided by the FTE shown in the parentheses.

Werner, Phil W - DOA

From: Andreasson, Laura - DOT
Sent: Tuesday, September 13, 2011 8:57 AM
To: Werner, Phil W - DOA
Subject: Special Prosecutor Position at DOJ

To Philip Werner:

This e-mail is in response to a conversation you had with me regarding future funding for a Dane County prosecutor dedicated for serious crashes and impaired driving cases. We understand the importance of this program in bolstering highway safety efforts and the opportunities it provides for law enforcement agencies to work together when investigating and prosecuting serious crashes. It is BOTS' intention to provide funding for this program at the same level (\$150,000) for the coming federal fiscal year beginning October 1, 2011 and ending September 30, 2012.

Please feel free to contact me if you require additional information.

Laura C. Andréasson
Wisconsin Department of Transportation
Division of State Patrol – Bureau of Transportation Safety
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